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ELECTION OF MEMBERS TO THE BOARD OF INDUSTRIES.

The hon. the PRESIDENT :—" With reference to the motion passed at the meeting of the Council held on the 29th November 1923 in regard to the election of two persons to be the Council's representatives on the Board of Industries, I have to inform the House that with reference to Regulation II of the Regulations for the holding of elections by means of the single transferable vote, I fix 2 p.m. to-day as the time by which nominations of candidates should be sent to the Secretary. "

XI

MOTION ON THE MADRAS HINDU RELIGIOUS ENDOWMENTS BILL.

Mr. SAMI VENKATACHALAM CHETTIYAR :—" Sir, I beg to move—

(1)

" That a humble and dutiful address be presented to His Excellency the Governor conveying the sense of the House that the Madras Hindu Religious Endowments Bill as passed in the Legislative Council on 3rd April 1923 is against the opinion of the electorate as expressed in the recent general election and praying that His Excellency be pleased to withhold his assent to the Bill or in the alternative return it to the Council for reconsideration as provided under section 81-A, clause 1, of the Government of India Act, 1919."

(2)

" That a humble and dutiful address be presented to His Excellency the Governor conveying the sense of the House that the Madras Hindu Religious Endowments Bill as passed in the Legislative Council on 3rd April 1923 is against the opinion of the electorate as expressed in the recent general election and praying that His Excellency be pleased to withhold his assent to the Bill

Or

return it to the Council for reconsideration as provided under section 81-A, clause 1, of the Government of India Act, 1919

Or

if His Excellency has already given his assent praying that he would graciously represent to His Excellency the Viceroy this Council's submission that His Excellency the Viceroy will be graciously pleased to withhold his assent to the Bill."

The hon. the PRESIDENT :—" In regard to the alternative motions of which the hon. Member Mr. Sami Venkatachalam Chetti has given notice, and which he has just read out, for an address to the Governor regarding the Hindu Religious Endowments Bill, I have examined the question of their admissibility most carefully. Though as President I do not ordinarily give reasons for my rulings, I have felt, in view of the great importance of the point at issue, that I owe it to hon. Members to take them fully into my confidence and to state at some length the reasons for my decision.

" Communications from the Council to the Governor are provided by S.O. 70 which lays down that they shall be made (1) by formal address after motion made and carried in the Council, and (2) through the President. The Standing Order does not say what the matters are which can form the subject

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of an address to the Governor. But in admitting motions under this Standing Order the President has to be guided by the general scheme of the Act, the Rules and the Standing Orders; and it was because I felt that the motion for an address made a few days ago by the hon. Member Mr. C. Ramalinga Reddi would be in accordance with such scheme that I allowed it. Rules 18 to 21 and Standing Orders 37 to 52 lay down the procedure which should be adopted in regard to legislation. That procedure begins with the motion for leave to introduce a Bill (a Government measure need not go through this stage, and ends with the final passing of such Bill in the Council under S O. 49). When the motion that the Bill be passed into law is carried, it is the duty of the President under Standing Order 50 to prepare and sign a copy thereof, and it is this copy which is finally laid before the Governor. Now under sections 81 and 81-A of the Act, the Governor is given certain powers in regard to a Bill passed by his Legislative Council; firstly, he may assent to the Bill, and send it up to the Governor-General; or secondly, he may withhold his assent from the Bill; or thirdly, the Governor may, instead of assenting or withholding his assent, return the Bill to the Council for reconsideration, either in whole or in part, together with any amendments which he may recommend; and the procedure when such return is made is regulated by Standing Order 51.

"The question now is, whether in the case of a Bill finally passed by the Council and pending before the Governor, the Council may of its own motion ask the Governor to adopt one particular course out of the three courses which he is in law competent to adopt. Though there is nothing in the Act, Rules or Standing Orders explicitly prohibiting the Council from doing such a thing, it seems to me that it would be against the general legislative procedure laid down for our guidance that the Council should take upon itself this function. It is true that in the present case there has been a considerable interval between the submission of the Bill to the Governor and action by the Governor under sections 81 and 81-A of the Act: and the hon. Member Mr. Sami Venkatachalam Chetti in his letter to me of the 3rd instant stresses the delay of eight months which has already occurred and considers it to afford sufficient proof that the Governor recognizes the peculiar importance of the measure and the strength of public feeling against it. Further, the hon. Member urges that a general election has taken place in the meantime; and that the Bill itself formed one of the issues in that election and as such may be said to have been the subject of an informal referendum, the result of which could only be ascertained by a vote of the Council.

"Whatever weight these considerations may deserve, they are not considerations which I as President can take note of. It is not for the President to interpret the time taken by the Governor as indicative of any particular view held by him in regard to a Bill. To the President all Bills are of equal importance. The President can have no knowledge of the strength of public feeling outside the Council for or against any Bill, nor is the President in a position to say that any particular matter was or was not at issue in a general election. To ask the President to take note of such considerations as the hon. Member Mr. Sami Venkatachalam Chetti has mentioned, is to ask him to do what he probably cannot and in any case should not do.

"The constitutional practice in England on the subject is clear; there is no precedent there of an address to the Crown by either House of Parliament praying the Crown *not* to assent to a Bill, and it is equally clear that an

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address to the Crown should *not* refer to a Bill pending in either House. The reason for this limitation is not far to seek; if a Bill is passed by Parliament and assented to by the Crown, it is perfectly open to a hostile majority, should it come into power, to repeal or alter such a Bill at a later date. If, as the hon. Member Mr. Sami Venkatachalam Chetti appears to think, there is a majority in the present Council against the Hindu Religious Endowments Bill, the way is open to that majority to assert itself and have it repealed at a later stage even if it is in the meantime assented to by the Governor and agreed to by the Governor-General. But I am of the decided opinion that the Council should not *just now* intervene in the matter. I therefore rule that the motions of the hon. Member Mr. Sami Venkatachalam Chetti as out of order."

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR ON THE MADRAS
HINDU RELIGIOUS ENDOWMENTS BILL.

11-30 a.m. The hon. the PRESIDENT:—"I have to convey to the Council a message from His Excellency the Governor—

"His Excellency the Governor has under section 81-A of the Government of India Act decided to return the Hindu Religious Endowments Bill to the Council for re-consideration with reference to parts of the Bill which will be duly notified to hon. Members.—WILLINGDON'."

[Opposition—Cheers]

9-12-23

MOTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

MINIMUM PAY OF VILLAGE OFFICERS.

Mr. C. V. VENKATARAMANA AYYANGAR:—"Sir, I beg to move—

that this Council recommends to the Government that the minimum pay of village officers be fixed at Rs. 20.

"It may perhaps be surprising that I, who have been urging for retrenchment in the various public services, should make this motion for the increase of pay of the village officers. But I am one of those who think that, while we should always try to keep the Government expenditure at a proper limit, still there should be complete satisfaction on the part of the village officers of the Government and that the difference in pay between the higher classes and lower classes of the Government should be reduced as much as possible. I have always complained, both in this House and outside it, that the pay of an officer in an office is much larger than the pay of all the establishment under his charge put together. Take for instance the district and sessions judge. His pay will be about Rs. 3,000 and the next man, viz., the sarishtadar, will be getting only Rs. 200 and all the other servants in that office put together will be drawing about Rs. 700 or 800, so that the whole establishment will be getting very much less than what the one individual, the head of the office, will be getting. This, I submit, is a thing which should be put an end to. If we want that the discontent among the lower services should be reduced and if possible removed, we must try to reduce the difference in the salaries of the higher and the lower officers. This can be done only in two ways: by levelling down or by levelling up. It may even be done by both. I would divide this subject into two aspects, namely, the desirability and necessity of enhancing the salaries of the village officers and the financial aspect. So far as the pay of the village officers is concerned, it is very low compared with